

## **GENERAL SERVICES ADMINISTRATION (GSA) – Regulatory Plan – October 2021**

The U.S. General Services Administration (GSA) delivers value and savings in real estate, acquisition, technology, and other mission-support services across the Federal Government. GSA's acquisition solutions supply Federal purchasers with cost-effective, high-quality products and services from commercial vendors. GSA provides workplaces for Federal employees and oversees the preservation of historic Federal properties. GSA helps keep the nation safe and efficient by providing tools, equipment, and non-tactical vehicles to the U.S. military, and providing State and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services.

GSA serves the public by delivering products and services directly to its Federal customers through the Federal Acquisition Service (FAS), the Public Buildings Service (PBS), and the Office of Government-wide Policy (OGP). GSA has a continuing commitment to its Federal customers and the U.S. taxpayers by providing those products and services in the most cost-effective manner possible.

### **Federal Acquisition Service**

FAS is the lead organization for procurement of products and services (other than real property) for the Federal Government. The FAS organization leverages the buying power of the Government by consolidating Federal agencies' requirements for common goods and services. FAS provides a range of high-quality and flexible acquisition services to increase overall Government effectiveness and efficiency by aligning resources around key functions.

### **Public Buildings Service**

PBS is the largest public real estate organization in the United States. As the landlord for the civilian Federal Government, PBS acquires space on behalf of the Federal Government through new construction and leasing, and acts as a manager for Federal properties across the country. PBS is responsible for over 370 million rentable square feet of workspace for Federal employees, has jurisdiction, custody, and control over more than 1,600 federally owned assets totaling over 180 million rentable square feet, and contracts for more than 7,000 leased assets totaling over 180 million rentable square feet.

Later in FY22, GSA expects to update the existing internal guidance and issue a new PBS Order following the release of an EO on Federal Sustainability which is likely to be issued in late October or early November.

### **Office of Government-wide Policy**

OGP sets Government-wide policy in the areas of personal and real property, mail, travel, relocation, transportation, information technology, regulatory information, and the use of Federal advisory committees. OGP also helps direct how all Federal supplies and services are acquired as well as GSA's own acquisition programs. Pursuant to Executive Order 12866, "Regulatory Planning and Review" (September 30, 1993) and Executive Order 13563, "Improving Regulation and Regulatory Review" (January 18, 2011), the Regulatory Plan and Unified Agenda provides notice regarding OGP's regulatory and deregulatory actions within the Executive Branch.

GSA prepared a list of 20 non-regulatory actions in the areas of Climate Risk Management, Resilience, and Adaptation; Environmental Justice; Greenhouse Gas (GHG) Reduction; Clean Energy; Energy Reduction; Water Reduction; Performance Contracting; Waste Reduction; Sustainable Buildings; and Electronics Stewardship & Data Centers. Detailed information on actions GSA is considering taking through December 31, 2025, to implement the Administration's policy set by Executive Orders 13990 and Executive Order 14008 were provided in GSA's Executive Order 13990 90-day response; GSA Climate Change Risk Management Plan and GSA 2021 Sustainability Plan. More specifics will be known on the Sustainability Plan when feedback is obtained from the Council on Environmental Quality (CEQ) and Office of Management and Budget (OMB).

OGP's Office of Government wide Policy, Office of Asset and Transportation Management and Office of Acquisition Policy are prioritizing rulemaking focused on initiatives that:

- Tackle the climate change emergency.
- Promote the country's economic resilience and improve the buying power of U.S. citizens.
- Support underserved communities, promoting equity in the Federal government; and,
- Support national security efforts, especially safeguarding Federal government information and information technology systems.

### **Office of Asset and Transportation Management**

The Fall 2021 Unified Agenda consists of fourteen (14) active Office of Asset and Transportation Management (MA) agenda items, of which four (4) active actions are included in the Federal Travel Regulation (FTR) and ten (10) active actions are included in the Federal Management Regulation (FMR).

The Federal Travel Regulation (FTR) enumerates the travel and relocation policy for all title 5 Executive Agency employees. The Code of Federal Regulations (CFR) is available at <https://ecfr.federalregister.gov/>. Each version is updated as official changes are published in the **Federal Register** (FR).

The FTR is the regulation contained in title 41 of the CFR, chapters 300 through 304, that implements statutory requirements and Executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense. The FTR presents policies in a clear manner to both agencies and employees to assure that official travel is performed responsibly.

The Federal Management Regulation (FMR) establishes policy for Federal aircraft management, mail management, transportation, personal property, real property, and committee management.

### **MA Rulemaking that Tackles Climate Change**

FTR Case 2020-301-1, Definition for “Fuel”, Rental Car Policy Updates and Clarifications, replaces the word “gasoline” where appropriate and replaces it with the term “fuel” to acknowledge the use of alternative fuels, such as electricity.

FTR Case 2021-301-1, Removal Reservation of part 300-90-Telework Travel Expenses Test Programs and appendix E to chapter 301-Suggested Guidance for Conference Planning, supports sustainability by reducing the number of paper pages required for publication in the Code of Federal Regulations.

### **MA Rulemaking that Supports Equity and Underserved Communities**

FTR Case 2020-302-01, Taxes on Relocation Expenses, Withholding Tax Allowance (WTA) and Relocation Income Tax Allowance (RITA) Eligibility, creates equity among all Federal Government employees by authorizing agencies to reimburse new hires and others previously not eligible for relocation benefits afforded to employees transferred in the interest of the Government.

FMR Case 2021-01, Use of Federal Real Property to Assist the Homeless” will streamline the process by which excess Federal real property is screened for potential conveyance to homeless interests.

### **MA Rulemaking that Supports National Security**

FMR Case 2021-102-1, “Real Estate Acquisition” will clarify the policies for entering into leasing agreements for high security space (i.e., space with a Facility Security Level (FSL) of III, IV, or V) in accordance with the Secure Federal LEASEs Act (Pub. L. 116-276).

### **Office of Acquisition Policy**

The Fall 2021 Unified Agenda consists of nineteen (19) active Office of Acquisition Policy (MV) agenda items, all of which are for the General Services Administration Acquisition Regulation (GSAR).

### ***Office of Acquisition Policy - General Services Administration Acquisition Regulation***

The GSAR establishes agency acquisition regulations that affect GSA's business partners (e.g., prospective offerors and contractors) and acquisition of leasehold interests in real property. The latter are established under the authority of 40 U.S.C. 585. The GSAR implements contract clauses, solicitation provisions, and standard forms that control the relationship between GSA and contractors and prospective contractors.

### **MV Rulemaking that Promotes Economic Resilience**

GSAR Case 2021-G530, Extension of Federal Minimum Wage to Lease Acquisitions, will increase efficiency and cost savings in the work performed for leases with the Federal Government by increasing the hourly minimum wage paid to those contractors in accordance with Executive Order 14026, “Increasing the Minimum Wage for Federal Contractors” dated April 27, 2021, and Department of Labor regulations at 29 CFR part 23.

### **MV Rulemaking that Supports Equity and Underserved Communities**

GSAR Case 2020-G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules, will clarify the requirements for use of Federal Supply Schedules by eligible Non-Federal Entities, such as state and local governments. The regulatory changes are intended to increase understanding of the existing guidance and expand access to GSA sources of supply by eligible Non-Federal Entities, as authorized by historic statutes including the Federal Supply Schedules Usage Act of 2010.

GSAR Case 2021-G529, Updates to References to Individuals with Disabilities, will provide more inclusive acquisition guidance for underserved communities by updating references from “handicapped individuals” to “individuals with disabilities”, pursuant to Section 508 of the Rehabilitation Act.

#### **Rulemaking that Supports National Security**

GSAR Case 2016-G511, Contract Requirements for GSA Information Systems, will streamline and update requirements for contracts that involve GSA information systems. GSA's policies on cybersecurity and other information technology requirements have been previously issued and communicated by the Office of the Chief Information Officer through the GSA public website. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization.

GSAR Case 2020-G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions, will protect national security by prohibiting procurement from certain covered entities using covered equipment and services in lease acquisitions pursuant to Section 889 of the National Defense Authorization Act for Fiscal Year 2019. The regulatory changes will implement the Section 889 requirements in lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clauses.

GSAR Case 2021-G522, Contract Requirements for High-Security Leased Space, will incorporate contractor disclosure requirements and access limitations for high-security leased space pursuant to the

Secure Federal Leases Act. Covered entities are required to identify whether the beneficial owner of a high-security leased space, including an entity involved in the financing thereof, is a foreign person or entity when first submitting a proposal and annually thereafter.

GSAR Case 2021-G527, Immediate and Highest-Level Owner for High-Security Leased Space, addresses the risks of foreign ownership of Government-leased real estate and requires the disclosure of immediate and highest-level ownership information for high-security space leased to accommodate a Federal agency.

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